

combinations thereof, and recyclable mixtures, plastic, synthetic containers, compressed wood, waxed products, epoxy, glue, rubber, and frozen fluids.

39. In combination, the c-weight of the bottom fish rig of claim 15 further comprising:

said hollow c-weight hull having an opening means including a c-weight hull hole and having a clogging means including a c-weight hull hole plug that stops material from entering and leaving a hollow c-weight hull;

said hollow c-weight hull having a weight accepting means including sand, clay, pebbles, stones, glass, ceramics, brick, silicone, plastic, cement, epoxy, glue and further including pieces of metal, lead pellets and lead substitutes such as different alloys of iron, steel, aluminum, tin, brass, bronze, zinc, nickel, bismuth, and recyclable by products, that add weight; and

said hollow c-weight hull further including small through-holes to allow passage of objects, substances or material to attract fish including water with dissolved products, pheromones, scents, flavors, blood, egg, grounded fish parts, poultry, beef liver, insect parts, fish attractants, fruit, sugar, jelly, cheese, bread, and food products.

• **Remarks - General**

- I. Several editorial corrections have been made in the specifications; a title of a section has been added as Objects and Advantages.

The objections to the drawings have been noted; new drawings have been submitted and page 6, the Reference Numerals in Drawings of a Bottom Fish Rig, has been deleted.

- J. Enclosed is an Information Disclosure Statement listing the patents mentioned in paragraphs 5 to 11 of the Specifications; Applicant regrets this omission since its value was taken for granted and was not understood.

- K. The claims of record that have been rewritten and replaced with new claims 20 to 39 in order to define the invention more particularly over the cited references. These claims are all submitted to be patentable over the cited references because they recite novel structure and thus distinguish physically over every reference and the physical distinctions effect new and unexpected results, thereby indicating that the physical distinction are unobvious.

• **The Claims All Distinguish Over The References**

L. The three independent claims, and hence all claims, distinguish over the references under Sec. 102 because they recite a new bottom fish rig with different embodiments for an unique removable sliding c-weight and different embodiments for the new horizontal unilateral 3-prong hook.

The Office Summary Action had a Notice of References Cited. Each of these patents have been examined and discussed in the following parts of this section for differences from this immediate patent application for the bottom fish rig.

U.S. Patent No. 5,887,381 to Stephenson has a fishing rig with a free sliding weight, a flexible leader line, sliding glass or plastic beads and swivel connectors to either end of the leader line. The sliding weight and beads move freely to make a clacking noise to attract fish. Stephenson's Carolina rig is shaped differently than the bottom fish rig and does not have movement stops, a c-weight or a horizontal unilateral 3-prong hook.

The device for casting small lures and flies by Halterman, U.S. Patent No. 5,678,351, has a leading section, an intermediate weighted section and a trailing section consisting of a leader and a fly. The intermediate weighted section consists of a core of sticky filter tape or mounting tape that secures the weighted section to make a static casting loop between the leading section and trailing section. Halterman's device looks different, is intended to work at the surface and is not like the bottom fish rig by not having a sliding or removable c-weight, movement stops and a horizontal unilateral 3 prong hook.

Rayburn invented a casting float with line stop, U.S. Patent No. 4,696,125, that is intended to work on or near the surface. Rayburn's casting float is a hollow-shelled cylinder with various line receiving openings. Rayburn uses a sliding bead to separate the casting float from the line stop, a flat plastic plate. Rayburn's casting float does not resemble the bottom fish rigs sliding c-weight. Rayburn's patent does not illustrate the use of a horizontal unilateral 3-prong hook, a swivel, a leader and a sliding c-weight that is easily attached and removed from the line and is restricted to a limited area by movement stops.

A fishing rig assembly patent was granted to Manno, U.S. Patent No. 4,209,933. Manno's complicated minnow rig relies upon an unique T-shaped wire eyelet projection to attach two lines to a sinker. At the end of the first line, a fish hook is attached by a line to a complex convoluted T-shaped single barb hook. Manno's minnow rig has key components that do not resemble the leader, the removable c-weight, movement stops and a horizontal unilateral 3 prong hook of the bottom fish rig.

U.S. Patent No. 3,701,212 to Gilliam is a salt water sinker. Gilliam's oval

sinker resembles an egg sinker with a cut-out central bell shaped protrusion having locking arms on opposite sides that are crimped over the fishing line. Although Gilliam's salt water sinker is detachable, it has a different shape and means of connecting to the fishing line than the removable sliding c-weight. The bottom fish rig is different with a leader, movement stops, swivel and a horizontal unilateral 3 prong hook.

Shriver was granted a bait positioning fishing device patent, U. S. Patent No. 3,118,245. Shriver soldered 2 rods to make 4 perpendicular elongated shift members. A fish hook attachment means was connected by a reverted loop at one end; the other end is attached to the fishing line and a weight. The cross-shaped bait positioning fishing device rests on the bottom and the rod like members deflect weeds away while the line is being reeled. The bottom fish rig is different with a leader, a removable c-weight, movement stops and a horizontal unilateral 3 prong hook.

A removable fishing sinker by Baron, U.S. Patent No. 3,096,599, has a body made of heavy metal with a sleeve made of a light plastic material in which fishing line is inserted and jammed between a sleeve and sinker body into a long central slot. Although the egg-shaped removable fishing sinker could slide freely over the fishing line or could be mounted fixed on a fishing line, Baron's sinker has at least 3 individual components, in contrast to the bottom fish rig's one piece removable c-weight, excluding the hull plug of one embodiment. The removable c-weight is more durable, costs less and is easier to produce than the removable fishing sinker. The bottom fish rig is different, with a leader, removable c-weight, movement stops, swivel and a horizontal unilateral 3-prong hook.

U.S. Patent No. 2,766,549, a sinker and leader assembly by Dickerson discloses at the end a snap for lures and hooks, a swivel, a wire through the first length connected to another swivel, a fixed bead, and another wire passing through the axial bore of a sliding egg sinker and a loop. Dickerson has to disconnect the assembly from the fishing line to remove the egg sinker which is pulled down the main shank of the wire and over the eye. The bottom fish rig is an improvement by being easier to produce than Dickerson's assembly, and by having a c-weight that could be removed without detaching the rig from the fishing line. The bottom fish rig is different with movement stops to prevent the c-weight from interfering with the hook and inhibit the c-weight from sliding over the leader loop and up the fishing line. The bottom fish rig is different with unique components, a removable c-weight and a horizontal unilateral 3 prong hook while other components on the leader are located in different positions and perform tasks differently than their counterparts in the Dickerson assembly.

U.S. Patent No. 2,177,007 to Smith discloses a complicated releasable sinker having weigh changing means. In Smith's patent the sinker is released to slide down the line an encounter the lure. Smith has a cylindrical bore slip sinker or egg sinker held into a carrier tube by a frictional locking device that fits into a

slot in the wall of the egg sinker. Beside having a squeezed split sinker stop member, Smith's patent is different from the bottom fish rig which has a leader, removable c-weight, movement stops, swivel and a horizontal unilateral 3 prong hook.

Pesso was issued U.S. Patent No. 2,019,630 for fishing tackle consisting of a surface float. Pesso's hollow float does not work like the hollow removable c-weight and the patent does not have any similar features with the bottom fish rig.

U.S. Patent No. 1,883,574 to Cleeland discloses a sinker that attaches to fishing line without parting the line. Cleeland's lead sinker has a streamline body with wire coils on each end and a frictional groove spiral around the body; Cleeland's patent does not have a central bore and does not slide. Cleeland's patent does not have a leader, removable c-weight, movement stops, swivel and a horizontal unilateral 3 prong hook.

A fish hook patent, U. S. Patent No. 1,208,936, was granted to Henry England in 1916. As illustrated in the artwork England's fish hook is designed to dangle from a float to avoid weeds and is not intended to fish on the bottom. Due to its poor construction, England's fish hook has limited snag resistance with one depressible springably weed guard for its small center hook. The 2 long hooks do not have weed guards and are not bent inward or downward to resist snagging as compared to the positioning of the horizontal unilateral 3 prong hook in the bottom fish rig which also avoids injuries. The shank of the horizontal unilateral 3 prong hook of the bottom fish rig is sturdier or stronger by being three shanks fused together as compared to a short single weak shank in England's fish hook. Another difference is the eye of the England's fish hook is in the same plane as the 3 shanks, however, in the bottom fish rig the eye of the horizontal unilateral 3 prong hook is elevated on an incline at approximate the same level or height as the center middle barb, which is important in orienting the horizontal unilateral 3 prong hook upright when being used. Since England's fish hook is weak it needs a cross-piece between the 2 longer hooks, which is not necessary or a feature in the horizontal unilateral 3 prong hook. The bottom fish rig is different than England's patent, with a leader, removable c-weight, movement stops, swivel and a horizontal unilateral 3 prong hook.

None of the references cited show all of the elements of the bottom fish rig, or the removable sliding c-weight or the horizontal unilateral 3 prong hook. The other references cited in the specifications paragraphs 5 to 11 are also deficient in one or more of the above-discussed physical features of the independent claims.

Since the independent claims both recite features which are not present in any reference, applicant submits that these claims, and hence all of the dependent claims, clearly recite novel physical features which distinguish over

any and all references.

- **The Novel Physical Features Of The Claims Provide New And Unexpected Results And Hence Should Be Considered Unobvious, Making The Claims Patentable**

M. Applicant submits that the above recited novel features in the independent claims, and hence in all claims, provide new and unexpected results and hence should be considered unobvious, making the claims patentable.

Specifically by making the bottom fish rig with embodiments of either a horizontal unilateral 3 prong hook or the removable sliding c-weight are novel features. None of the prior-art patents can provide these new and unexpected results.

Since the novel features of applicant's bottom fish rig employing the any of the embodiments of the removable sliding c-weight or the horizontal unilateral 3 prong hook provide these new and unexpected results over any reference, applicant submits that these new results indicate unobvious and hence patent ability. Accordingly applicant respectfully requests reconsideration of the objections and allowance of the present application on its merits with the new claims.

- **Additional Reasons Mitigate In Favor Of Unobviousness**

N. In addition to the above new and unexpected results, applicant submits that additional reasons mitigate in favor of patent ability as follows:

Unrecognized Problems: Up to now, insofar as applicant is aware, the art contained no indication of the desirability of providing a bottom fish rig with a leader, removable c-weight, movement stops, swivel and a horizontal unilateral 3 prong hook that resists injuries and snagging and whose major components are easily removed and replaced.

Crowed Art: The present invention is in a crowded art affiliated with fishing tackle. It is well recognized that in a crowded art, even a small step forward is worthy of patent protection. While the present invention is submitted to be far more than a small one, nevertheless this factor mitigated in applicant's favor.

Long-Felt But Unsolved Need. The present invention solves a long-existing but unsolved need and therefore is submitted to be worthy of patent protection. Specifically, although fishing rigs have been in use for many years, they had numerous inherent disadvantages, as stated in the prior-art section of the present specification. Users suffered from the inability to remove various components of their fishing rigs without cutting their fishing line and loosing valuable time in making a new rig. The present invention addresses these and

other features, thereby solving a long-felt need in this area.

**Unsuggested Combination:** The need for the prior art references themselves to suggest that they can be combined is well-known. E.g., *In re Senaker*, 217 U.S.P.Q. 1, 6 (CAFC 1983):

“[P]rior art references in combination do not make an invention obvious unless something in the prior art referenced would suggest the advantage to be derived from combining their teaching.”

The suggestion to combine the references should come from the prior art, rather than from applicant. As was forcefully stated in *Orthopedic Equipment Co Inc. v. United States*, 217 U.S.P.Q 193, 199 (CAFC 1983):

It is wrong to use the patent in suit [here the patent application] as a guide through the maze of prior art references, combining the right references in the right way to achieve the result of the claims in suit [here the claims at issue]. Monday morning quarterbacking is quite improper when resolving the question of no obviousness in a court of law [here the PTO].”

In this case objections to all of the claims are improper since the invention has merit. There would be no reason for one skilled in the art to combine disparate references and either of the other relied upon references and bar this patent.

- **The Dependent Claims Are A-fortiori Patentable**

O. The dependent claims add additional novel features and thus are submitted to be, a-fortiori, patentable as elements of unique embodiments.

- **Other Reference Materials**

P. Applicant has never filed a patent application pro-se. In order to prosecute this action, Applicant relied upon information in a textbook, *Patent It Yourself*, by Patent Attorney David Pressman, 2ed, 1988 which has as a model Amendment A for the invention, Paper-Laminated Pliable Closure for Paper Bags; Appn. No.: 07/088,691; Filing Date: 1987-8-24; Applicant: Koppe, Lou W and Examiner: V.N. Sarkan.

- **Request for Constructive Assistance**

Q. Applicant received a shortened statutory period for reply set to expire (2)

two months from the mailing date of the Office Action Summary mailed on 9/9/04. Normally the time limitation is (3) three months. The additional time of one month would have made a significant difference in the quality of the amendments being submitted, and quite frankly that extra month was really needed. Researching the citations, the laws in the 37 CFR and Title 35 USC was extremely time consuming and difficult to calculate the time it took to obtain the information. Thus this reply demonstrates diligence and that the patent application is not being abandoned due to the two month time limitation.

The undersigned applicant, Frank T. Brzozowski has made diligent effort to amend the claims of this application so that they define novel structure in the removable sliding c-weight, the hollow c-weight with a hull plug and the various embodiments of the horizontal unilateral 3-prong hook of the bottom fish rig, which is also submitted to render the claimed structure unobvious because it produces new, better and unexpected results for fishing for bottom feeding fish. If for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims, especially the three independent claims, pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03(d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



Frank T. Brzozowski  
Inventor, pro-se

Frank T. Brzozowski  
2357 E. Dauphin Street  
Philadelphia, PA 19125  
215-425-7672